

MINUTES
CEDAR VALLEY DISTRIBUTION SYSTEM
February 8, 2005

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Present: Lee Sim, Jim Wells, Kerry Carpenter, Worth Grimshaw, Paul Nelson, Lynn Nelson, Richard Nelson, Earl Boyer, Phil Hirschi, Sam Bauer, Deb Bauer, Brent Hunter, Brent Jones, and LaRee Garfield.

Chairman Brent Jones called this meeting to order at 7:10 p.m. He introduced the people from the State, Lee Sim, Jim Wells, and Kerry Carpenter. He then asked Secretary LaRee Garfield to read the Minutes of the 2004 meeting. Paul Nelson then moved for approval of the Minutes as read; Lynn Nelson seconded; Minutes approved as read.

Chairman Jones then asked Sam Bauer to present the Commissioner's Report for 2004. Sam reported that the 2004 water year seemed to be good, overall. The summer storms kept the flow up most of the summer. With the recent flooding problems in Washington County, the report from the USGS is not ready, so Sam reported that he did not know what the flow for Coal Creek was or how much water was pumped from under ground at this time. He also reported that he had problems with the new State Road supervisor who was unwilling to work with Sam in getting the water turned back into the ditch when it was washed out. Another problem was with Cedar City Corporation who wanted the water turned out of the irrigation ditches after a storm because it was purportedly flooding Main Street and some surrounding homes. Sam reported that the flooding did not come from our ditch water. Sam said that our ditches won't hold our water plus the street run off water which has been diverted into our ditches. He also commented that there is a lot of snow on the mountain so far this year, and everyone is expecting a large run off.

The Commissioner has in his possession one four drawer filing cabinet, one HP Vevtra N2 466 computer, S/N 3432A12538, one HP video graphic color display, S/N 91 12J10847, and one HP laser jet II computer printer. Chairman Jones then asked for any questions regarding the Report. Paul asked what our options are when the State Road will not put the water back into the ditch, sometimes for up to five days at a time. Kerry suggested that the officers of the irrigation companies go with Sam and sit down with the head of the DOT here in Cedar City and give him some history as to the matter and ask for their cooperation, then, if they don't cooperate, we can go back to putting the power poles back in the ditch, as was done before. Worth then moved that we ask Sam to set up the meeting with the DOT and have the officers go with him to seek their cooperation; Lynn seconded; motion carried. Phil then moved for approval of the Commissioner's Report; Lynn seconded; motion carried. Kerry then asked about the problem of the City turning the water out of the ditch without his knowledge. Brent said that it is a problem all the way down the ditch. Lee commented that at the end of the meeting, he would talk about some new legislation that may affect this matter. Lynn asked about moving the diversion dam which was discussed last year. Kerry said that the City has hired an engineering consultant to study this matter. Cedar City is very serious about developing a parkway from the dam on down, and the consulting firm has been challenged to design an aesthetically pleasing parkway and still maintain a very efficient flood channel. Kerry said that he and Sam had told the City that they could have a beautiful parkway, but they should not mess with anyone's water rights. Kerry suggested that this group attend any public meetings relating to this matter and express their

concerns and opinions.

Brent then said that it was necessary to make recommendations for a Water Commissioner to the State. Phil moved that we recommend that the State retain Sam Bauer as the Commissioner; Paul seconded; motion carried.

Lee Sim then presented the Financial Report. He reported that we began the year with a balance of \$7,386.71. Our receipts totaled \$11,068.93, expenditures \$8,932.98, with an ending balance of \$9,522.66. We collected \$9,218.44 in regular assessments, \$141.31 in delinquent penalties, and \$1,620.63 in previous assessments and penalties. We have delinquencies this year in the amount of \$143.67, which is much lower than last year. Paul said that John Sims is no longer living in the area, so we need to find out who is using that water and get a current address on John Sims. Brent will try and obtain this information and will also contact Robert Lefevre of Mountain Estates, Inc., Greg Show, and Ramon Prestwich as to their delinquent accounts. Sam then moved for approval of the 2004 Financial Report; Dick Nelson seconded; motion carried.

Brent then stated that it was necessary to prepare the budget for 2005. Lee said that the State Engineer's Assessment would be \$620.00. The budget was set at \$9,212.00. Paul moved that the assessment be set at \$9,201.00; Worth seconded; motion carried.

Brent stated that it was necessary to select the Distribution Chairman and committee. Phil moved that the current Chairman and committee be retained. The motion died for lack of a second. Lynn moved that Dick Nelson be appointed to the committee in place of Bud Garfield; Worth seconded, and then moved that Phil be appointed to the committee in place of Ramon Prestwich; Lynn seconded; motion carried. Brent will remain as the Chair, and Paul will remain a member of the committee.

Kerry reported that there is about 50 inches of water content at Midway, compared to 1983 when there was 27 inches of water at the end of May. The County has the primary responsibility for flood control. The City has filed three applications to do some work behind the dam, over by the cannery, and near this building. The County will be responsible for control below the diversion here. If there are concerns about what the County is doing, Kerry asked that we give him a call. Phil asked about the new basin in Fiddlers Canyon. Kerry said that the primary concern is with Coal Creek.

Lee distributed an outline of some bills which are before the Legislature that we should be aware of. He said that the Task Force was given a list of issues to look at, including priority dates and enforcement, and they decided to concentrate on enforcement for this year. HB38 would establish criminal penalties for various violations. The criminal aspect of this bill would not be addressed by the State Engineer but, rather, by the County Attorney or other legal party. HB157 gives enforcement power to the State Engineer. The bill spells out the process as to how enforcement will be implemented. This bill seems to have fairly broad support, and it has passed the House unanimously and will now go before the Senate in the near future. It will place an additional burden on the State Engineer because of a lack of manpower. The bill will probably apply generally to high profile cases. It is hoped that violators will understand that penalties can

be assessed, and that if these types of things come to the attention of the State Engineer, they will be evaluated to determine if they will move ahead with them. Brent Hunter asked if, once these bills are enacted, the task force would look at other issues. Lee said that they will probably address priority dates last, as this will be the most difficult concern to deal with.

Brent Hunter asked about the Lake Powell pipeline, and Kerry explained the process which would be necessary to follow if Iron County wanted to get water from there. At this time, it is probably not economically feasible, but it may be in 25 years or so.

Meeting adjourned at 8:20 p.m.